

Office Action Summary

Application No.
10/046,480

Applicant(s)
Shiraiwa

Examiner
Mark Wallerson

Art Unit
2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 31, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-77 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/062,552.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 6) ☐ Other:

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **10/31/2002.**

2. This application has been reconsidered. Claims 63-77 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda (U. S. 6,243,171).

With respect to claims 63, 65, 66, 70, 71, 72, 73, 74, 75, 76, and 77, Haneda discloses an image reproduction control apparatus (figure 1) comprising a storage unit using a detachable memory (column 14, lines 30-32), the detachable memory storing a plurality of reproducible images (column 14, lines 56-65) and a reproduction instruction file (which reads on parameter data or order information) (column 15, lines 53-63 and column 18, lines 33-36), including file names specifying one or more images to be reproduced, the file name in an order (figure 17); a reading section for reading the reproduction instruction file (column 18, lines 55-67); a reproduction control section for controlling reproduction of the images by reading the images to be reproduced (column 15, lines 53-63 and column 20, lines 53-67), and display means allowing a user to display images in order, images to be reproduced with a mark indicating whether the one or more images are to be reproduced (which reads on the order data including a number specifying the images for which extra copies are desired (column 1, line 57 to column 2, line 4; column 3, lines 64-67; column 5, lines 40-57; column 10, lines 35-44; column 16, lines 61-67; column 18, lines 14-54 column 19, lines 4-7; column 20, lines 12-27; column 23, lines 33-37; column 22, lines 62-66; column 32, lines 6-12; and column 5, lines 23-29).

Haneda also discloses determining whether the instruction file is in the detachable memory (column 21, lines 58-67 and column 22, lines 59-61).

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With respect to claim 64, Haneda discloses recording the instruction file in the detachable memory in accordance with user input (column 18, lines 25-36).

With regard to claim 67, Haneda discloses starting the reproduction in accordance with input from a user and performing the reproduction of images to be reproduced (column 20, lines 45-67).

With respect to claim 68, Haneda discloses the reproduction instruction file (order file) includes one or more reproduction instructions (size or trimming), and one of the instructions is a print instruction (number of copies) (figure 18).

With respect to claim 69, Haneda discloses the display section is operated in accordance with the attachment of the memory (column 10, lines 3-12).

Response to Arguments

5. Applicant's arguments filed 10/31/2002 have been fully considered but they are not persuasive. Applicant submits that Haneda does not disclose a display control means for controlling display in a display unit so that a user may confirm whether a reproduction of one or more images is to be performed, the display unit displaying in order the one or more images to be reproduced with a mark indicating whether one or more of the images is to be reproduced. The Examiner respectfully disagrees.

Haneda discloses a display control means (82) for controlling display (18) in a display unit so that a user may confirm (column 23, lines 33-37) whether a reproduction of one or more

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images is to be performed, the display unit displaying in order (column 1, line 64 to column 2, line 4) the one or more images to be reproduced with a mark indicating whether one or more of the images is to be reproduced (which reads on the order data including a number specifying the images for which extra copies are desired (column 1, line 57 to column 2, line 4; column 3, lines 64-67; column 5, lines 40-57; column 10, lines 35-44; column 16, lines 61-67; column 18, lines 14-54 column 19, lines 4-7; column 20, lines 12-27; column 23, lines 33-37; column 22, lines 62-66; column 32, lines 6-12; and column 5, lines 23-29).

Conclusion

6. All claims are rejected.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)


MARK WALLERSON
PRIMARY EXAMINER

Mark Wallerson